

KAPLAN, J

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

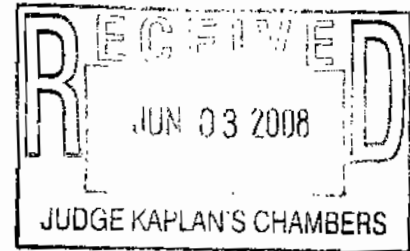
**INTERNATIONAL BUSINESS
MACHINES CORPORATION,**

Plaintiff,

- against -

PLATFORM SOLUTIONS, INC.,

Defendant.



**AMENDED CIVIL CASE
DISCOVERY PLAN AND
SCHEDULING ORDER**

Civil Action No. 06-CV-13565-LAK

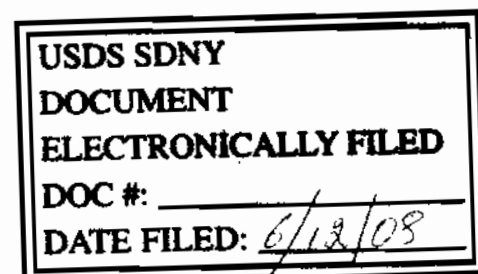
The following Amended Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. Deadlines established in the previous scheduling orders in this action that have already passed are not repeated in this Order.

The case is to be tried by a jury.

1. On June 5, 2008, PSI shall serve and file its responsive brief and supporting evidence on claim construction. On June 27, 2008, IBM shall serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in PSI's response.

2. Fact discovery is to be completed by August 15, 2008.

- (a) Depositions shall proceed concurrently.
- (b) Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
- (c) Paragraph 2 of the Stipulation on Deposition Procedures entered into on July 26, 2007 is amended as follows: (i) PSI and intervenor T3 Technologies Inc. will be considered to be one party for purposes of calculating the following number of depositions available to "each party;" and (ii) Paragraph 2 shall read, "Each party may take the depositions of 25 fact witnesses employed by the opposing party, including inventors. Former employees represented by a party are included within this limitation." This change is without prejudice to any party's ability to seek leave of Court for additional depositions pursuant to Fed. R. Civ. P. 30(b)(2)(A).




3. Initial expert reports on issues on which each party bears the burden of proof to be served no later than September 19, 2008.
4. Expert rebuttal reports to be served no later than October 24, 2008.
5. All discovery is to be completed by December 5, 2008.
6. Dispositive motions to be served no later than November 5, 2008. Responses to dispositive motions to be served no later than December 5, 2008. Replies to be served by December 22, 2008. Each party may serve more than one dispositive motion and may serve such motions at any time.
7. Intervenor T3 shall be subject to and shall comply with all deadlines applicable to defendant PSI.
8. The parties have agreed that this case shall be ready for trial on all issues as soon after January 1, 2009, as the Court's schedule permits. The parties further agree that all claims that survive dispositive motion shall be tried in a single, non-separated proceeding. The parties currently estimate that six weeks of trial time, equally divided between IBM and PSI/T3, will be needed to try the case.

Strict compliance with the trial readiness date will be required. This Amended Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

New York, New York
Dated: June 11, 2008

SO ORDERED



Lewis A. Kaplan, U.S.D.J.